

## PATENT COOPERATION TREATY

PCT

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15 APR 2005

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 941960	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/CA 02/ 01557	International filing date (day/month/year) 17/10/2002	(Earliest) Priority Date (day/month/year)
Applicant  GAP ENVIROMICROBIAL SERVICES INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing :

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2.  Certain claims were found unsearchable (See Box I).

3.  Unity of invention is lacking (see Box II).

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12Q1/00 C12Q1/04 C12Q1/54 C12Q1/22 C12M1/12

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12Q C12M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, BIOSIS, MEDLINE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5 861 270 A (NELIS JOZEF CONSTANTIA FRANS H) 19 January 1999 (1999-01-19) cited in the application column 2, line 25 -column 3, line 48; claims 1-36; figures 1,4; examples 1-6 ---	1-86
Y	EP 0 841 403 A (IDEMITSU KOSAN CO) 13 May 1998 (1998-05-13) abstract; claims 21-28,30-34 ---	1-86 -/-

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

25 February 2003

06/03/2003

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	NELIS H J ET AL: "COMPARISON OF CHEMILUMINOGENIC, FLUORIGENIC AND CHROMOGENIC SUBSTRATES FOR THE DETECTION OF TOTAL COLIFORMS IN DRINKING WATER" PROCEEDINGS OF THE WATER QUALITY TECHNOLOGY CONFERENCE, 1993, pages 1663-1673, XP000567233 cited in the application page 1664, paragraph 2 -page 1666, paragraph 2 ---	1-86
A	MARTIN C S ET AL: "DUAL LUMINESCENCE-BASED REPORTER GENE ASSAY FOR LUCIFERASE AND BETA-GALACTOSIDASE" BIOTECHNIQUES, EATON PUBLISHING, NATICK, US, vol. 21, no. 3, 1 September 1996 (1996-09-01), pages 520-524, XP000635196 ISSN: 0736-6205 page 521, left-hand column, paragraphs 1-3 ---	1-86
A	WO 00 73412 A (CEPHEID) 7 December 2000 (2000-12-07) claims 15-23 ---	1-86
A	US 5 510 243 A (WAINWRIGHT NORMAN R ET AL) 23 April 1996 (1996-04-23) column 3-4; claims 1-8; table 1 ---	1-86
A	DE 196 08 320 A (BIOSQUANT GMBH) 28 August 1997 (1997-08-28) claims 1-9; examples 1-6 ---	1-86
A	WO 94 20638 A (BERG JAMES D) 15 September 1994 (1994-09-15) abstract; claims 1-15 ---	1-86
A	US 6 063 590 A (BRENNER KRISTEN P ET AL) 16 May 2000 (2000-05-16) abstract -----	1-86

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Claim 86 relates to a kit but only comprises method steps. The said claim is therefore unclear (Art 6 PCT). Thus, claim 86 has only been searched insofar as it is related to a method comprising steps a)-g).

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

**INTERNATIONAL SEARCH REPORT**International application No.  
PCT/CA 02/01557**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

## Information on patent family members

International Application No

PCT/02/01557

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 5861270	A	19-01-1999	AU	713480 B2		02-12-1999
			AU	3865295 A		31-05-1996
			WO	9614431 A1		17-05-1996
			DE	69519747 D1		01-02-2001
			DE	69519747 T2		09-08-2001
			EP	0791070 A1		27-08-1997
			ES	2155144 T3		01-05-2001
			JP	11505405 T		21-05-1999
EP 0841403	A	13-05-1998	JP	10136996 A		26-05-1998
			JP	10215859 A		18-08-1998
			EP	0841403 A2		13-05-1998
WO 0073412	A	07-12-2000	AU	5170700 A		18-12-2000
			AU	5300900 A		18-12-2000
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			EP	1208189 A2		29-05-2002
			EP	1181098 A1		27-02-2002
			EP	1180135 A2		20-02-2002
			JP	2003500674 T		07-01-2003
			JP	2003501018 T		14-01-2003
			WO	0073412 A2		07-12-2000
			WO	0072970 A1		07-12-2000
			WO	0073413 A2		07-12-2000
			US	6391541 B1		21-05-2002
			US	2001012612 A1		09-08-2001
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DE 19608320	A	28-08-1997	DE	19608320 A1		28-08-1997
WO 9420638	A	15-09-1994	US	5518894 A		21-05-1996
			AT	220109 T		15-07-2002
			AU	685092 B2		15-01-1998
			AU	6293394 A		26-09-1994
			CA	2157769 A1		15-09-1994
			CN	1122147 A ,B		08-05-1996
			DE	69430912 D1		08-08-2002
			EP	0690923 A1		10-01-1996
			JP	8509601 T		15-10-1996
			WO	9420638 A1		15-09-1994
US 6063590	A	16-05-2000	US	6306621 B1		23-10-2001
			US	2002048780 A1		25-04-2002